(2)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 4917 OF 2004

BETWEEN

H.L.Banjare S/o Dharam Banjare ,aged about 43 years, resident of Village Sindhra Via Malkhardoda District Janjgir Champa (CG).

P.R. No. 4925/CG
Presented by Shri Sumit Sen
dated 16-12-04

PETITIONER

A N D

1. The Union of India,
Through the Secretary Department of Petrollium , New Delhi .

2. The Hindustan Petrolllium Corporation Limited, Registered Office at 17 Jamshedji Tata Road, Mumbai , through its Managing Director .

3. Hindustan Petrollium Corporation Limited Through Regional Manager,Madina Manzil, 2nd Floor,Medical College Road,Post Box No.129 Raipur (CG).

4. Dr. Anil Hari Priye S/o Shri K.P.Haripriye,aged 30 years, resident of Civil Line Sarangarh,District Raigarh,presently working as M.S. at Maika-hara Hospital, Raipur (CG).

RECEIPT COPY 411904
Clerk to A. G. Bilaspur

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

(67)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ……W.P.No. 4917/2004 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15-9-2005

Heard Shri Awadh Tripathi, counsel for the petitioner, Shri Bhishma Kinger, Standing Counsel appears on behalf of Shri S. K. Beriwal, Advocate for the respondents No.1 to 3 and Shri Prashant Mishra, Sr. Advocate with Shri B.D. Guru, Advocate for respondent No.4.

By this writ petition under Article 226/227 of the Constitution of India the petitioner has questioned the appointment of respondent No.4 as Dealer in respect of retail outlet of Hindustan Petroleum to be set up at Saranggarh, National Highway No.216 on the ground that respondent No.4 to whom respondents No.2 and 3 have decided to appoint the Dealer is a M.B.B.S. doctor, he has already taken benefit of his cost while taking admission in the M.B.B.S. course, his sister-in-law namely Savita Haripriya is already a Dealer of L.P.G. Agency and his cousin brother namely Gopal Haripriya is also a Dealer of Kerosene Oil, and they are residing together, therefore, he was not entitled for the Dealership and Dealership has been wrongly awarded to him. In the affidavit, it has been mentioned that respondent No.4 has already taken a job in the Chhattisgarh Institute of Medical Sciences, Bilaspur.

Return has been filed on behalf of respondents in which it has been mentioned that respondent No.4 has taken a job on contract

SP/FS/2005 - 20,000

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

basis being unemployed and at the time of filing the application and interview he was not having any job.

Learned counsel for the respondent No.4 submitted that as soon as the Petrol Pump will become functional, he will quit the job.

As per the return filed on behalf of respondent No.4, respondent No.4 has mentioned that the petitioner himself is a member belonging to the Scheduled Caste community and was in service of the erstwhile M.P.S.R.T.C. and presently with CSIDC, therefore, he cannot invoke jurisdiction of this Court.

In view of the above, as the petitioner himself is in service of the Chhattisgarh State Infrastructure Development Corporation, as such he is not entitled to challenge Dealership awarded in favour of respondent No.4. Moreover, at the time of selection respondent No.4 was not in Government Job. Apart from that, respondent No.4 has taken a job for one year in the C.I.M.S. on contract basis, which is not a regular service, and in the notification and eligibility criterion no bar has been created in respect of such assignment. Therefore, this petition has no force, same is liable to be dismissed and it is accordingly dismissed.

Sd/-
L.C.BHADOO
Judge

Barve